REMARKS

The Examiner repeated the previous provisional rejection for double patenting over claims 1-53 of copending application 10/505,392.

The applicant believes that this rejection is premature because no claims have been allowed in Serial No. 10/505,392. Upon the indication of allowable subject matter, a terminal disclaimer will be filed.

The rejection of Claims 1-4, 6-15, 17-26, 28-37, 39-48, 50-59, 61-70, 72, 81 and 83-97 under 35 U.S.C.§103(a) as being unpatentable over Egan in view of Kobe.

The rejection of claims 5-6, 16-17, 27-28, 39-40, 49-50, 60-61, 71-72 and 82-83 were rejected under 35 U.S.C.§103(a) as being unpatentable over Egan in view of Kobe has been withdrawn.

Reconsideration is requested.

The Egan patent has been cited as relating to an article of manufacture (figure 6-comprising a first support layer of film (1+2) with adhesive (19) permanent bond interface, a second film (13) is adhesively secured to the lower surface of the first film at the permanent adhesive bond but having a separable interface between the adhesive and the release coat of film (13) and a third substrate (33) laminated to the upper surface of the first layer with adhesive (37).

The Egan patent at col. 9, lines 30-68 describes the use of a coating containing a release agent such as a silicone that is printed on a pattern such as is disclosed

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in Figs. 19-21. Independent claims, 1, 12, 23, 45, 56, 67, 78 and 97, recite that the selective surface treatment that is used by the applicant is a corona, flame, plasma or combination thereof treatment. That treatment increases the adhesion selectively rather than selectively decreases the adhesions. The application of a liquid *release* coating does not make obvious the use of physical means that will increase adhesion in making a releasable element in a diecut laminate. This is because the precise positioning of a liquid coating, in a pattern, is quite difficult as liquids tend to move before being immobilized by curing or drying.

Kobe has been applied as teaching that the use of a of a flame treatment that is applied to a liner material prior to the application of a silicone coating to provide stronger adhesion between the release coating and the liner. This reference has no applicability to new claims 97-102 which do not recite a flame treatment. In addition, For these reasons, Egan does not anticipate the amended claims of the present application.

Claims 5, 16, 27, 38, 49, 60, 71 and 82 have been canceled as the substance of these claims is now included in the independent claims. The Examiner has commented that as to claims 11, 22, 33, 44, 55, 66, 77, and 88, no patentable weight is given as the process condition is not germane to the patentability of the product. It is believed that this approach to patentability is not proper as a structure may be defined by the process by which it is made provided that it is not the same structure as is found in the prior art. MPEP§2113 [Rev.6 Sept 2007] provides, in part, that

structure implied by process steps should be considered when assessing the patentability of product-by-process claims, especially when the manufacturing steps would be expected to impart distinctive structural characteristics to the final product. Based on this evaluation of the applicants product, it is apparent that a novel structure has been claimed by reference to the corona, flame or plasma treatment steps. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 5-6, 16-17, 27-28, 39-40, 49-50, 60-61, 71-72 and 82-83 were again rejected under 35 U.S.C.§103(a) as being unpatentable over Egan in view of Kobe.

Reconsideration is requested.

The Egan reference has been distinguished above based on the variable adhesion that has been achieved by a distinctly different approach that avoids the Egan coating process to place a patterned coating on a surface in some area while leaving other areas uncoated. A liquid coating system that reduces adhesion does not make obvious the use of a corona, flame or plasma treatment that increases adhesion, even when both processes are selectively employed. In addition, the application of a liquid coating to a surface when it is desired to form a predetermined pattern is much more difficult and costly than the use of a corona, plasma or flame treatment procedure, because liquids migrate and must be dried or cured before the liquid treated surface can contact another surface.

The Kobe patent at col. 18, line 24, mentions the use of flame treatment to increase the dyne level or adhesion. However, the concept of ***selective*** flame treatment is not

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disclosed by Kobe who treats the complete surface. Only in the present application is there disclose the concept of using ***selective*** surface treatment as a technique to make removable a die-cut segment. If the Kobe teachings of complete treatment of a surface with a flame treatment prior to the application of a release layer were followed, there would be no easy removability which is made possible by selective treatment. In any event new claims 97-102 which do not involve flame treatment, are not made obvious by the cited references. For these reasons, the cited prior art does not make obvious the treatment of some areas to increase adhesion and no treatment of other areas in the making of a removable diecut segment. When one attempts to combine the diverse teachings of Kobe and Egan, one would not be directed to selective surface treatment as defined in claim 1 and the other independent claims because both references are silent as to the use of such a concept. For these reasons, it is requested that this ground of rejection be withdrawn.

Claims 89-96 have been again rejected under 35 U.S.C.§103(a) as being unpatentable over Egan in view of Kobe and further in view of Grabau.

Reconsideration is requested.

The Egan reference does not disclose an article as defined by amended claim 1. Egan only teaches thermal lamination of two plastic films where a pattern of a release coating has been applied to one of the plastic sheets prior to the thermal lamination step for the purpose of allowing the separation of the thermally bonded sheets. There is no

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mention of the use of a corona, flame or plasma surface treatment process.

Kobe has been distinguished from the claimed invention above on the basis that it does not teach a selective surface treatment. Claim 89 is dependent on claim 78 where the selective treatment language of applying in surface treatment in some but not all areas is set forth.

Grabau is concerned with the concept of embedding an RFID device in a label but it does not disclose the concept of providing one type of interface between one face of an adhesive layer and a different interface between the opposite face of the adhesive layer. The Egan patent has been distinguished above from the claims of the present application and nothing in Grabau provides any information that suggests the particular structure that is pointed out in claims 89-96. No reason for combining the cited references is found in the cited references as the references do m not contain any teaching that would suggest the claimed subject matter without reference to the applicant's disclosure For these reasons, it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,

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